

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS
DENNIS A. LARSON and KATHRYN LARSON,

DEFENDANTS
HOMECOMINGS FINANCIAL, LLC,

(b) County of Residence of First Listed Plaintiff Clark County
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Pennsylvania
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)
Dennis A. Larson, Kathryn Larson, In Pro Per, 698 Riverband Place,
Henderson, Nevada 89052

Attorneys (If Known)
Peter E. Dunkley, Esq., WOLFE & WYMAN LLP, 840 Grier Drive,
Suite 370, Las Vegas, NV 89119 (702) 476-0100

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER/STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input checked="" type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
☒ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. section 1441(b)

Brief description of cause:

Diversity of citizenship of parties

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

06/04/2009

SIGNATURE OF ATTORNEY OF RECORD

/s/ Peter E. Dunkley, Esq.

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

Rachel E. Donn, Esq.
Nevada Bar No.: 10568
Peter E. Dunkley, Esq.
Nevada Bar No.: 11110
WOLFE & WYMAN LLP
840 Grier Drive, Suite 370
Las Vegas, NV 89119
Tel: (702) 476-0100
Fax: (702) 476-0101

Attorneys for Defendants
HOMECOMINGS FINANCIAL, LLC and
EXECUTIVE TRUSTEE SERVICES, LLC

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

DENNIS A. LARSON and
KATHRYN LARSON

Plaintiffs,

v.

HOMECOMINGS FINANCIAL, LLC (F/K/A
HOMECOMING FINANCIAL NETWORKING,
INC.), NATIONSTAR MORTGAGE, INC.,
EXECUTIVE TRUSTEE SERVICES, LLC, AND
DOES I-X, ROES I-X INCLUSIVE,

Defendants.

CASE NO.:

Nevada District Court Case No.: A583647
Dept. No.: XX

PETITION FOR REMOVAL

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Defendants HOMECOMINGS FINANCIAL, LLC, and EXECUTIVE TRUSTEE SERVICES, LLC (hereinafter "Defendants"), by and through their attorneys, Wolfe & Wyman LLP, notice the removal of this action to the United States District Court and, in support thereof, states the following:

1. HOMECOMINGS FINANCIAL, LLC is a Defendant in the above-entitled action, commenced in Nevada District Court, in and for the County of Clark, Nevada and now pending in that Court. Upon information and belief, Defendant HOMECOMINGS FINANCIAL, LLC has not been properly served.

2. EXECUTIVE TRUSTEE SERVICES, LLC is a Defendant in the above-entitled action, commenced in Nevada District Court, in and for the County of Clark, Nevada and now pending in that Court. Upon information and belief, Defendant EXECUTIVE TRUSTEE SERVICES, LLC, has not been properly served.

3. Upon information and belief, service of the Summons and Complaint has not been served upon Defendant NATIONSTAR MORTGAGE, INC.

4. Upon information and belief, this matter was commenced when Plaintiff, appearing *pro per*, filed a Complaint and Lis Pendens in the Nevada District Court, Clark County, Nevada on February 26, 2009. A true copy of this Complaint is annexed hereto as Exhibit "A." A true copy of the Lis Pendens is annexed hereto as Exhibit "B."

5. Defendants remove this case pursuant to 28 U.S.C. §1441(b) based on the diversity of citizenship of parties.

6. Upon information and belief, Plaintiff is a resident of the State of Nevada. (Complaint ¶ 1.) Defendant HOMECOMINGS FINANCIAL, LLC is a Delaware limited liability corporation with its principal place of business in Pennsylvania. Defendant EXECUTIVE TRUSTEE SERVICES, LLC is a Delaware corporation with its principal place of business in California. Defendant NATIONSTAR MORTGAGE, INC., is a Delaware corporation with its principal place of business in Texas.

7. Pursuant to 28 U.S.C. §1332(a), there is a sufficient amount in controversy as the loan which is a subject of Plaintiff's Complaint was for \$200,000.00. A copy of the Deed of Trust is annexed hereto as Exhibit "C."¹ Additionally, Plaintiff seeks punitive damages, (Complaint ¶ 33) and treble damages (Complaint ¶ 57). The amount in controversy exceeds the minimum of \$75,000.00.

8. Upon information and belief, there are no named co-defendants which have been served who are not appearing in this notice of removal.

¹ This Court may take judicial notice of a publically recorded document. Fed. R. Evid. 201(b); United States v. Howard, 381 F.3d 873, 876, fn. 1 (9th Cir. 2004).

1 9. Based on the above-referenced allegations, pursuant to 28 U.S.C. §1441, *et seq.*,
2 Defendants are entitled to remove this entire action from the Nevada State District Court, Clark
3 County, Nevada, to the United States District Court, District of Nevada, and said Defendants so wish
4 to exercise that right.

5 10. Pursuant to 28 U.S.C. §1446(a), Defendants have annexed all process, pleadings, and
6 orders served upon it which are described above, and which are attached hereto as Exhibits "A" and
7 "B".

8 11. Pursuant to 28 U.S.C. §1441(c), a true copy of this Removal has been filed
9 concurrently with the Nevada State District Court, Clark County, and served upon the Plaintiff.

10 12. Defendants reserve the right to supplement this Notice of Removal when additional
11 information becomes available. They further reserve all rights including, but not limited to, defenses
12 and objections as to venue, personal jurisdiction and service. The filing of this Notice of Removal is
13 subject to, and without waiver of any such defense or objection.

14
15 DATED: June 4, 2009

WOLFE & WYMAN LLP

16
17 By: /s/ Peter E. Dunkley

18 RACHEL E. DONN, ESQ.
19 Nevada Bar No. 10568
20 PETER E. DUNKLEY, ESQ.
21 Nevada Bar No.: 11110
22 840 Grier Drive, Suite 370
23 Las Vegas, NV 89119
24 Phone (702) 476-0100
25 Fax (702) 476-0101

26 Attorneys for Defendants
27 **HEMCOMINGS FINANCIAL, LLC and**
28 **EXECUTIVE TRUSTEE SERVICES, LLC**

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CERTIFICATE OF SERVICE

1. On _____ I served the _____ by the following means to the persons as listed below:

____ a. EFC System (you must attach the "Notice of Electronic Filing", or list all persons and addresses and attach additional paper if necessary):

2. On June 4, 2009, I served the PETITION FOR REMOVAL by the following means to the persons as listed below:

X b. United States Mail, postage fully pre-paid (List persons and addresses. Attach additional paper if necessary):

Dennis A. Larson and
Kathryn Larson
698 Riverband Place
Henderson, NV 89052

Plaintiffs in Pro Se

By: /s/ Katia Ioffe
Katia Ioffe
An employee of Wolfe & Wyman LLP

Executed on June 4, 2009, at Las Vegas, Nevada